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5/16/03

Paper No. 11

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MAY 19 2003

In re Application of)
Shunpei Yamazaki)
Application No. 09/479,262)
Filed: January 5, 2000)
For: SEMICONDUCTOR DEVICE AND)
METHOD OF MANUFACTURING)
THE SAME)

DECISION ON PETITION

This is a decision on the petition, filed April 22, 2003, to withdraw the holding of abandonment of the above-identified application.

The petition is GRANTED.

This application was held abandoned for failure to respond in a timely manner to the restriction requirement of March 26, 2002. A Notice of Abandonment was mailed on March 11, 2003.

Petitioner states that an election was in fact timely filed. To support this assertion, petitioner has submitted a copy of a return postcard receipt which acknowledges receipt of an election along with an Information Disclosure Statement by the Patent and Trademark Office (PTO) on June 6, 2002.

The review of the application file reveals that the IDS and the election were received and matched therewith. However, the election and request for a one-month extension of time was not noticed by the examiner and the technical support staff. Consequently, the election was not properly entered in the file. The application is not abandoned in fact.

For above stated reasons, the Notice of Abandonment is hereby vacated and the holding of

abandonment withdrawn. Inconvenience to petitioner is regretted.

The application file is being forwarded to the technical support staff for processing the election and the petition for a one-month extension of time. From there, it will be returned to the examiner for further prosecution.

A handwritten signature in black ink, appearing to read "Hien H. Phan", is written over a horizontal line.

Hien H. Phan, Special Program Examiner
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